

**REMARKS AND ARGUMENTS**

**Claim Rejections**

**35 U.S.C. § 102**

Claims 16, 18, 25-29, 43, 44 and 52 are rejected under 35 U.S.C. 102(b) as being anticipated by Matsumoto, JP '203 (hereinafter "Matsumoto"). As a basis for this rejection the Examiner indicated that "The previous rejection applies."

**35 U.S.C. § 103**

Claims 16-18, 25-29, 43, 44, 52 and 53 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matsumoto in view of Bojarczuk '185. As a basis for this rejection the Examiner again indicated that "The previous rejection applies."

The Examiner considered the previous arguments presented by the Applicants, but found that they are not persuasive. Specifically, the examiner found that, "There is more than one atom of fluorescent ion in the substrate of Matsumoto. The atoms do not occupy the same space. Therefore there are a plurality of color centers in Matsumoto. There is no specific recitations of "color center" structure in the claims that would in any way structurally distinguish over Matsumoto."

Applicants do not agree with the Examiner's conclusions herein, and respectfully submit that a "color center" as used in the present application implies a doping area of more than a single atom of fluorescent

ion. The drawings show the color centers forming doped regions of impurities within the substrate.

Notwithstanding, Applicants have amended the claims to more specifically claim the invention herein. Of the rejected claims, 16, 18, 25 and 43 are independent claims from which the other claims depend. These claims have been amended herein to "color center" structure that is not disclosed, taught or suggested by Matsumoto.

The final section of claim 16 has been amended so that it now reads:

said substrate doped with a plurality of rare earth or transition elements, each of which is in a separate color center comprising a separate doped body within said substrate having one of said rare earth or transition elements, each said color center absorbing UV light and re-emitting a different color of light, the emission of said active layer being controllable such that said active layer can emit primarily over a selected one or more of said color centers.

Claims 18, 25 and 43 have also been amended to include similar limitations to the color centers comprising doped bodies. Support for these amendments can be found in the specification, claims and drawing as originally filed, and specifically in FIG. 5 and the supporting description in the specification, "The color centers consist of bodies of different doping materials with the substrate. . . The entire LED 53 is grown on a sapphire substrate that has a Cr doped color center 59, a Ti doped color center 60, and a Co doped color center."

Applicant submits that Matsumoto, and the other cited references do not disclose, teach or suggest the limitations of claims 16, 18, 25 and 43, and that these

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claims are allowable. Claims 17, 26-29, 44, 52, 53 depend from these allowed claims and are also allowable.

Claim 16 was also amended to remove redundant language and for consistency of the claim terms. Claim 27 was also amended to further define the "doped bodies" of claim 25.

CONCLUSION

Applicant submits that claims 16-18, 25-29, 43, 52 and 53 are in condition for allowance, and applicant respectfully requests that a timely Notice of Allowance be issued in this case.

A Request for Continued Examination is filed concurrently with this response.

Respectfully submitted,

  
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